

Introduced by Senator Gaines

February 18, 2016

An act to amend Section 44011 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1239, as introduced, Gaines. Smog check: exemptions.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts specified vehicles from being inspected biennially upon renewal of registration, including, among others, all motor vehicles manufactured prior to the 1976 model year.

This bill would exempt all motor vehicles manufactured prior to the 1981 model year from the biennial smog-check inspections.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44011 of the Health and Safety Code is
- 2 amended to read:
- 3 44011. (a) All motor vehicles powered by internal combustion
- 4 engines that are registered within an area designated for program
- 5 coverage shall be required biennially to obtain a certificate of
- 6 compliance or noncompliance, except for the following:

1 (1) All motorcycles until the department, pursuant to Section
2 44012, implements test procedures applicable to motorcycles.

3 (2) All motor vehicles that have been issued a certificate of
4 compliance or noncompliance or a repair cost waiver upon a change
5 of ownership or initial registration in this state during the preceding
6 six months.

7 (3) All motor vehicles manufactured prior to the ~~1976~~
8 ~~model-year~~ *1981 model year*.

9 (4) (A) Except as provided in subparagraph (B), all motor
10 vehicles four or less model-years old.

11 (B) Beginning January 1, 2005, all motor vehicles six or less
12 model-years old, unless the state board finds that providing an
13 exception for these vehicles will prohibit the state from meeting
14 the requirements of Section 176(c) of the federal Clean Air Act
15 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
16 respect to the state implementation plan required by the federal
17 Clean Air Act.

18 (C) All motor vehicles excepted by this paragraph shall be
19 subject to testing and to certification requirements as determined
20 by the department, if any of the following apply:

21 (i) The department determines through remote sensing activities
22 or other means that there is a substantial probability that the vehicle
23 has a tampered-~~emission~~ *emissions* control system or would fail
24 for other cause a smog check test as specified in Section 44012.

25 (ii) The vehicle was previously registered outside this state and
26 is undergoing initial registration in this state.

27 (iii) The vehicle is being registered as a specially constructed
28 vehicle.

29 (iv) The vehicle has been selected for testing pursuant to Section
30 44014.7 or any other provision of this chapter authorizing
31 out-of-cycle testing.

32 (D) This paragraph does not apply to diesel-powered vehicles.

33 (5) In addition to the vehicles exempted pursuant to paragraph
34 (4), any motor vehicle or class of motor vehicles exempted pursuant
35 to subdivision (c) of Section 44024.5. It is the intent of the
36 Legislature that the department, pursuant to the authority granted
37 by this paragraph, exempt at least 15 percent of the lowest emitting
38 motor vehicles from the biennial smog check inspection.

39 (6) All motor vehicles that the department determines would
40 present prohibitive inspection or repair problems.

1 (7) Any vehicle registered to the owner of a fleet licensed
2 pursuant to Section 44020 if the vehicle is garaged exclusively
3 outside the area included in program coverage, and is not primarily
4 operated inside the area included in program coverage.

5 (8) (A) All diesel-powered vehicles manufactured prior to the
6 1998 ~~model-year~~ *model year*.

7 (B) All diesel-powered vehicles that have a gross vehicle weight
8 rating of 8,501 to 10,000 pounds, inclusive, until the department,
9 in consultation with the state board, pursuant to Section 44012,
10 implements test procedures applicable to these vehicles.

11 (C) All diesel-powered vehicles that have a gross vehicle weight
12 rating from 10,001 pounds to 14,000 pounds, inclusive, until the
13 state board and the Department of Motor Vehicles determine the
14 best method for identifying these vehicles, and until the department,
15 in consultation with the state board, pursuant to Section 44012,
16 implements test procedures applicable to these vehicles.

17 (D) All diesel-powered vehicles that have a gross vehicle weight
18 rating of 14,001 pounds or greater.

19 (b) Vehicles designated for program coverage in enhanced areas
20 shall be required to obtain inspections from appropriate smog
21 check stations operating in enhanced areas.

22 (c) For purposes of subdivision (a), a collector motor vehicle,
23 as defined in Section 259 of the Vehicle Code, is exempt from
24 those portions of the test required by subdivision (f) of Section
25 44012 if the collector motor vehicle meets all of the following
26 criteria:

27 (1) Submission of proof that the motor vehicle is insured as a
28 collector motor vehicle, as shall be required by regulation of the
29 bureau.

30 (2) The motor vehicle is at least 35 model-years old.

31 (3) The motor vehicle complies with the exhaust emissions
32 standards for that motor vehicle's class and ~~model-year~~ *model*
33 *year*, as prescribed by the department, and the motor vehicle passes
34 a functional inspection of the fuel cap and a visual inspection for
35 liquid fuel leaks.

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